

CITY OF POCA TELLO, IDAHO
CITY COUNCIL
REGULAR CITY COUNCIL MEETING
AUGUST 4, 2022

AGENDA ITEM NO. 1: The Regular City Council meeting was called to order at 6:00 p.m.
ROLL CALL AND by Mayor Brian Blad. Council members present were Rick
PLEDGE OF Cheatum, Linda Leeuwrik, Josh Mansfield, Claudia Ortega
ALLEGIANCE and Chris Stevens. Council member Roger Bray was excused.

Mayor Blad led the audience in the pledge of allegiance.

Mayor Blad stated that Ms. Stevens would read a prepared statement from Mr. Bray later in the meeting.

AGENDA ITEM NO. 2: The invocation was offered by Tamilyn Carson, Buddhist
INVOCATION representative.

AGENDA ITEM NO. 3: Council was asked to consider the following business items:
CONSENT AGENDA

–MINUTES (a) Waive the oral reading of the minutes and approve the minutes
from the following meetings: Work Session of May 12, 2022;
City Council Liaison/Work Session Clarification meeting of
May 19, 2022; Budget Development meeting of May 26, 2022;
Council Clarification and Regular City Council meetings of
June 16, 2022, July 7, 2022 and July 21, 2022; and Special City
Council meeting of July 21, 2022.

–MATERIAL CLAIMS (b) Consider the material claims for the period of July 16, 2022
through July 30, 2022 in the amount of \$4,537,560.66.

–PARKS AND (c) Confirm the Mayor's reappointment of Tonya Wilkes to continue
RECREATION serving on the Parks and Recreation Advisory Board, representing
ADVISORY BOARD School District #25. Tonya's term will begin August 19, 2022 and
REAPPOINTMENT will expire August 19, 2024.

–COUNCIL DECISION (d) Adopt the Council's decision approving the final plat for Stratten
–FINAL PLAT Estates Division 3, which subdivides approximately 4.30 acres of
–STRATTEN ESTATES land into 23 lots, one (1) of which will be non-buildable. The
FINAL PLAT property is zoned Residential Medium Density Single-Family
(RMS) and will be accessed from an extension of Troy Lane and a
new road connecting the south and east portions of the
subdivision.

–2022 EDWARD (e) Approve the request regarding the 2022 Byrne Memorial Justice
BYRNE JUSTICE Assistance Grant. This is an annual allocation administered by
ASSISTANCE GRANT Bannock County. There are no matching funds. If awarded, Police
–POLICE Department staff will use grant funds in the amount of \$23,193.00
toward the purchase of 54 Holosun SCS-MOS (Solar Charging
Sights). Total purchase cost will be \$23,505.28. The Police
Department has been allocated \$23,193.00. The remaining balance
is available in the Pocatello Police Department equipment budget.

A motion was made by Mr. Cheatum, seconded by Mr. Mansfield, to approve the items on the Consent Agenda. Upon roll call, those voting in favor were Cheatum, Mansfield, Leeuwrik, and Ortega. Stevens voted in opposition to the motion. The motion passed.

AGENDA ITEM NO. 4: Mayor Blad reminded the Council members of the City Council
CALENDAR REVIEW Work Session to be held August 11 at 9:00 a.m. and the
Council Clarification Meeting and Regular City Council Meeting to
be held August 18. He announced the August 18 Council Liaison/Work Session Clarification Meeting
had been canceled.

Mayor Blad announced the Portneuf Health Fun Run would be held August 13 and details would be available at the Community Recreation Center. He stated that the open burn ban in Wildland-Urban Interface areas continues to be effect.

AGENDA ITEM NO. 5: This time was set aside for the Council to receive public comments
PUBLIC HEARING on the proposed Fiscal Year 2023 City Budget.
–PROPOSED FISCAL
YEAR 2023 BUDGET

Mayor Blad opened the public hearing.

Anne Nichols, Administrative Services Manager, stated that the public hearing was for the purpose of inviting public comment on the Fiscal Year 2023 proposed budget which begins October 1, 2022. She gave introductory comments outlining the budget creation process, which included multiple meetings open to the public. Ms. Nichols explained the general fund and different types of revenue. She announced that Bannock County had provided critical data this morning that would affect forgone balance; therefore, the forgone balance amount was not included in the budget or given to the Council at this time.

Mayor Blad announced that written correspondence had been collected and given to the City Council and no additional written correspondence had been received regarding the proposed Fiscal Year 2023 budget.

Mr. Cheatum stated that one email had been received before the meeting commenced.

Mayor Blad stated that comment would be added to the others collected.

Bart Mc Donald, Pocatello business owner, spoke in support of the proposal. He compared investing in his business in order to prompt growth and positive outcomes to the City of Pocatello investing through the budget process to prompt positive outcomes. Mr. McDonald referenced his father, Scott McDonald, who helped found Southeast Idaho Council of Governments to promote economic growth and urban renewal. He emphasized that in order to retain the community's youth through adulthood, they must have the economic opportunities that come through growth and development. Mr. McDonald clarified this would require an investment by the City to ensure outside businesses would be attracted to the area.

Clair Bowman, Pocatello resident, spoke uncommitted to the application. He expressed his feelings about the need for a conversion of the Raymond Park tennis courts to pickleball courts. Mr. Bowman referenced the courts in neighboring cities as well as the City's stated emphasis on recreation and asked that the City prioritize funds for pickleball courts in Pocatello.

Phil Colman, Pocatello resident, spoke uncommitted to the application. He referenced the poor condition of the Raymond Park tennis courts and past communication with the City about funding possibilities. Mr. Colman expressed disappointment that no funds had been allocated for pickleball courts and asked the City Council to fund the maintenance requirements for pickleball courts at Raymond Park.

Mike McMillian, Pocatello resident, spoke uncommitted to the application. He asked the City Council to work together to do what is necessary to repair the tennis courts at Raymond Park to provide a safe place to play.

Mohna Thuernagle, Pocatello resident, spoke uncommitted to the application. She expressed gratitude for the indoor pickleball court and her desire for an outdoor facility. Ms. Thuernagle pointed out that courts would benefit a tremendous number of people of all ages by providing a healthy option for play and socialization within a highly popular sport.

Taylor Wood, Pocatello resident, spoke uncommitted to the application. He pointed out the virtues of pickleball for such things as bringing all ages of people together and offering a recreational opportunity that costs very little. Mr. Wood pointed out the popularity of the sport by citing an example of Lava Hot Springs where players claim the courts starting as early as 7:00 a.m. on a daily basis. He asked that the City provide the relatively small amount of money necessary to benefit the many people interested in playing pickleball in Pocatello.

Heather Disselkoen, Pocatello resident, spoke uncommitted to the application. She referenced budget data in comparison to other cities and expressed her concerns over the City's budget in terms of its benefit to citizens and the processes involved in building it.

Lydia Noble, Pocatello resident, spoke in opposition to the budget. She expressed her concerns over the budget as it relates to right-sizing of personnel, salary increases, and personnel cost increases versus capital improvements. Ms. Noble expressed her disagreement with some of the ideas discussed for the use of ARPA funds.

In response to a question from Council, Mayor Blad stated that because the Council has not sought information about vacant positions, no action was planned at this time.

There being no further comments, Mayor Blad closed the public hearing and announced that comments received would be considered by the Council while creating the final budget. He stated that a Work Session to be held on August 11, 2022 at 9:00 a.m. would include an agenda item allowing Council an opportunity to receive further clarification from City staff on items related to the proposed budget and that the final budget ordinance is scheduled for Council's consideration on August 18, 2022.

AGENDA ITEM NO. 6: PUBLIC HEARING -PROPOSED FISCAL YEAR 2023 FEE CHANGES	This time was set aside for the Council to receive public comments on proposed fee changes for Fiscal Year 2023.
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Mayor Blad opened the public hearing.

Jared Johnson, City Attorney, gave an overview of the proposed fee changes for Fiscal Year 2023 referencing that every change was due to one or more of the following reasons: the fee change is a 5% or more increase from the previous fee amount, the department is requesting a new fee, the name of

the fee is being changed for clarity to citizens, the fee is being moved the from the Pocatello Municipal Code into the annually adopted Fee Schedule Resolution, or the fee is being moved from one exhibit to another for clarity. He confirmed that the proposed changes were presented to the City Council May 26, 2022 and the City has complied with all legal requirements for changing the fees.

Mayor Blad announced no written correspondence had been received regarding the proposed fee changes for Fiscal Year 2023.

There being no public comments, Mayor Blad closed the public hearing. He announced that a Work Session to be held on August 11, 2022 at 9:00 a.m. would include an agenda item allowing Council an opportunity to receive further clarification from City staff on items related to the proposed fees and that the final Fee Resolution is scheduled for Council's consideration at a later date.

AGENDA ITEM NO. 7: PUBLIC HEARING -ZONE MAP AMENDMENT -1591 ZENER STREET	This time was set aside for the Council to hear comments from the public regarding a request by Gerald McNabb of University LLC, represented by HLE, Inc. (mailing address: 800 West Judicial Street, Blackfoot, ID 83221) for a Zone Map Amendment to rezone approximately 1.77 acres of property from Light Industrial (LI) to Residential/Commercial/Professional (RCP). The subject property is located at 1591 Zener Street.
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Mayor Blad opened the public hearing.

Council members announced there had been no ex parte communication.

Renee Harding, HLE representative, gave an overview of the request for a Zone Map Amendment to rezone approximately 1.77 acres of property from Light Industrial (LI) to Residential/Commercial/Professional (RCP). She verified that no change to the Comprehensive Plan was requested and explained the change is requested to accommodate multi-family units and a mixture of residential and commercial uses in an area with infrastructure.

Jim Anglesey, Long-range Planner, gave an overview of the zone change request and stated the request was consistent with the Comprehensive Plan future land use designation of mixed use. He confirmed the Planning and Zoning Commission recommended approval of the application and that all public noticing requirements had been met. Mr. Anglesey stated that the application is compliant with City Code and staff recommended approval subject to conditions as stated in the staff report.

Mayor Blad announced no written correspondence had been received.

There being no public comments, Mayor Blad closed the public hearing.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve a request by Gerald McNabb of University LLC, for a Zone Map Amendment to rezone approximately 1.77 acres of property from Light Industrial (LI) to Residential/Commercial/Professional (RCP) and that the decision be set forth in the appropriate Council decision format and that the property is located at 1591 Zener Street. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Mansfield, Ortega and Stevens.

AGENDA ITEM NO. 8: This time was set aside for the Council to hear comments from the public regarding a request by Brandon Ratliff, represented by Rocky Mountain Engineering and Surveying, (RMES) (mailing address: 600 Oak Street, Pocatello, ID 83201) designating a 22.97 acre parcel of land as Residential (R) on the Comprehensive Land Use Map. The parcel is located west of Interstate-15 (I-15) and south of Interstate 86 (I-86) The Planning and Zoning Commission recommended approval of the request following a public hearing.

PUBLIC HEARING
–COMPREHENSIVE
PLAN MAP
AMENDMENT
–22.97 ACRES WEST
I-15 AND SOUTH
OF I-86

Mayor Blad opened the public hearing.

Council members announced there had been no ex parte communication.

Brady Smith, representing Rocky Mountain Engineering and Surveying, gave an overview of the request to designate a 22.97-acre parcel of land as Residential (R) on the Comprehensive Land Use Map. He stated this action was in preparation for a request for annexation to follow.

Matthew Lewis, Senior Planner, gave an overview of the amendment request and confirmed that the Planning and Zoning Commission had recommended approval of the request at a public hearing held July 13, 2022.

Mayor Blad announced no written correspondence had been received.

There being no public comments, Mayor Blad closed the public hearing.

A motion was made by Ms. Leeuwrik, seconded by Mr. Mansfield, to approve a request by Brandon Ratliff designating a 22.97-acre parcel of land as Residential (R) on the Comprehensive Land Use Map and that the decision be set out in appropriate Council decision format and that the parcel is located west of Interstate-15 (I-15) and south of Interstate 86 (I-86). Upon roll call, those voting in favor were Leeuwrik, Mansfield, Cheatum, Ortega and Stevens.

AGENDA ITEM NO. 9: This time was set aside for the Council to hear comments from the public regarding a request by Brandon Ratliff, represented by Rocky Mountain Engineering and Surveying, (RMES) (mailing address: 600 Oak Street, Pocatello, ID 83201) to annex a 22.97-acre parcel of land located west of Interstate 15 (I-15) and south of Interstate 86 (I-86). A zoning designation of Residential Medium Density Single-Family (RMS) and Residential Medium Density Multi-Family (RMM) is proposed. The Planning and Zoning Commission recommended approval of the request following a public hearing.

PUBLIC HEARING
–ANNEXATION
AND ZONING
DESIGNATION
–22.97 ACRES WEST
OF I-15 AND
SOUTH OF I-86

Mayor Blad opened the public hearing.

Council members announced there had been no ex parte communication.

Brady Smith, representing Rocky Mountain Engineering and Surveying, gave an overview of the request for annexation of a 22.97-acre parcel of land located west of Interstate 15 and south of Interstate 86 and a zoning designation of Residential Medium Density Single-Family (RMS) and Residential Medium Density Multi-Family (RMM).

Matthew Lewis, Senior Planner, stated the request is in statutory compliance with state codes and confirmed annexation is recommended by the Planning and Zoning Commission with conditions, as presented.

Mayor Blad announced no written correspondence had been received.

There being no public comments, Mayor Blad closed the public hearing.

A motion was made by Mr. Cheatum, seconded by Ms. Leeuwrik, to approve a request by Brandon Ratliff to annex a 22.97-acre parcel of land located west of Interstate 15 (I-15) and south of Interstate 86 (I-86) with the following conditions: 1) the subject property totaling 22.97 acres (more or less) shall be annexed into the corporate boundaries of the City of Pocatello; 2) a legal description of the parcel of land to be annexed, prepared by a licensed surveyor, shall be submitted by the Applicant prior to the adoption of the annexation ordinance; 3) upon annexation, 13.03 acres (more or less) shall be zoned Residential Medium Density Single-Family (RMS) with the remaining 9.94 acres (more or less) being zoned Residential Medium Density Multi-Family (RMM); 4) the annexation shall be subject to the conditions as provided in the Public Works Memorandum dated July 6, 2022; 5) any standards/regulations not herein noted but applicable to the proposed development shall be strictly adhered to; and 6) any activity requiring a separate development or building permit shall comply with applicable regulations and that the decision be set out in appropriate Council decision format. Upon roll call, those voting in favor were Cheatum, Leeuwrik, Mansfield, Ortega and Stevens.

AGENDA ITEM NO. 10: Council was asked to consider a request from Idaho Foodbank, represented by Jonna Behm, (mailing address: 555 South 1st Avenue, Pocatello, ID 83201) for a waiver of the open container ordinance to allow beer and wine to be consumed on the 200 block of West Fremont and a portion of the 400 block of North Union Pacific Avenue for a benefit concert and fundraiser for the Idaho Foodbank on August 27, 2022 from 2:00 p.m. to 10:00 p.m. If the open container requirement is waived, it should be contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased.

A Block Party Permit request has been submitted to the Street Department for the temporary closure of the 200 block of West Fremont and a portion of the 400 block of North Union Pacific Avenue. Security will be provided by Idaho Foodbank volunteers and members of the Pocatello Elks Lodge.

A motion was made by Ms. Stevens, seconded by Mrs. Ortega, to approve a request from Idaho Foodbank, represented by Jonna Behm, for a waiver of the open container ordinance to allow beer and wine to be consumed on the 200 block of West Fremont and a portion of the 400 block of North Union Pacific Avenue for a benefit concert and fundraiser for the Idaho Foodbank on August 27, 2022 from 2:00 p.m. to 10:00 p.m. contingent upon the applicant meeting Police Department requirements and the appropriate catering permits being purchased. Upon roll call, those voting in favor were Stevens, Ortega, Cheatum, Leeuwrik and Mansfield.

AGENDA ITEM NO. 11: Council was asked to adopt a Resolution that affirms the City of Pocatello as a welcoming and inclusive city and censuring City Council member Roger Bray for comments made during the July 7, 2022 Budget Development meeting and after the July 21, 2022 City Council meeting.

RESOLUTION
–REITERATING
RESOLUTION 2020-11
AFFIRMING THE CITY
OF POCATELLO AS A
WELCOMING AND
INCLUSIVE CITY AND
CENSURING CITY
COUNCIL MEMBER
ROGER BRAY

A motion was made by Ms. Stevens, seconded by Mrs. Ortega, to separate Agenda Item No. 11 into two separate items to allow the resolution affirming the City of Pocatello as a welcoming and inclusive city to be considered separately from the censure of City Council member Roger Bray for the comments he made during the July 7, 2022 Budget Development meeting and after the July 21, 2022 City Council Meeting. Upon roll call, those voting in favor were Stevens and Ortega. Cheatum, Leeuwrik and Mansfield voted in opposition to the motion. The motion failed.

Ms. Stevens read a statement expressing her concerns with the wording of the resolution related to the relationship between the City and the indigenous community. She cited examples she felt portrayed a poor relationship between the two groups.

A motion was made by Ms. Stevens, seconded by Mrs. Ortega, to censure Mayor Blad for a statement she alleged he had made.

Mayor Blad stated that there was no agenda item for censure of the Mayor and the motion could not be entertained. The motion died.

Ms. Stevens read another statement recounting her impressions of how her actions as a council member had been received by elected officials and city staff as well as her perception of those reactions.

Jared Johnson, City Attorney, advised Ms. Stevens against personally or professionally attacking employees due to liability concerns for the City.

Ms. Stevens acknowledged the legal advice and continued reading her statement.

Mr. Mansfield addressed the subject matter of the censure, comments made by Mr. Bray at the July 7, 2022 Budget Development meeting and following the July 21, 2022 City Council meeting, focusing on the statement that “diversity increases crime and violence.” He argued against this assertion by citing flaws in the premise and pointed out the negative impact the concept has on individuals and communities. Mr. Mansfield explained the connection between social trust and diversity which leads to decreased crime and violence. He expressed support for the censure of Council member Bray due to his failure to offer an apology after numerous individuals and organizations within Pocatello expressed hurt over Mr. Bray’s comments.

Ms. Leeuwrik read a statement explaining why censure is appropriate in this situation. She stated that censure is the public reprimanding or formal expression of disapproval of a public official for inappropriate conduct or behavior. Ms. Leeuwrik clarified that censure is a statement of condemnation only and does not remove an individual from office or affect their ability to carry out the duties. She added her opinion that censure is neither an overreaction or political stunt but solely

the right thing to do in this situation where a simple apology could have ended tumult but none was offered. Ms. Leeuwrik emphasized that given the comments made by Council member Bray July 21, 2022 following the City Council meeting and those later published, it was incumbent upon the City Council to clearly state through censure that Mr. Bray's views are not representative of the City Council or the City and send the message to all people of the city, including City staff, that everyone is a welcomed, valued, and respected member of the community.

Ms. Stevens read a prepared statement from Mr. Bray that stated his absence was due to a positive Covid-19 test. The statement expressed dismay over the welcoming statement being included with the censure and his concerns with the censure.

Jared Johnson, City Attorney, advised Ms. Stevens against reading any portions of the statement that directly attack a person that is an employee of the City, due to liability concerns. Mr. Johnson clarified that his advice is intended to protect the City of Pocatello.

Ms. Stevens continued reading the remainder of the statement.

Mrs. Ortega read quotes from individuals and Council members that took exception to the Mr. Bray's comments. She expressed her concerns over racism.

Jared Johnson, City Attorney, warned Mrs. Ortega against directly attacking City employees, due to liability concerns.

Mrs. Ortega acknowledged the warning. She read a quote from a grant application attributed to the Chief of Police that referenced the resources devoted to the transient population, which she suggested referred to a minority population. Mrs. Ortega declared the comment to be racist in nature and called for the immediate resignation of the Chief of Police. She stated that if the Chief would not resign, she would call a special meeting to discuss removing him from his position.

Mr. Cheatum stated that censure from the City Council is the appropriate response to inappropriate comments made by a City Council member. He emphasized that the purpose of the censure is to clarify that the comments made Mr. Bray do not represent the attitudes of the City Council or city.

Ms. Leeuwrik pointed out that the grant language quoted by Mrs. Ortega was a reference to a statistic, specifically the number of police officers designated per capita, not a reference to any race, age, or other classification. She explained that transient, which means temporary, refers to individuals that come to the area temporarily to work and increases the population, thereby increasing the number of police officers needed.

Mrs. Ortega stated that she felt that Roger Bray's reference to diversity was not a racist statement.

Mr. Mansfield referenced Mr. Bray's concluding statement which Mr. Mansfield felt was racist in nature.

A motion was made by Mr. Mansfield, seconded by Mr. Cheatum, to adopt a resolution (2022-10) that affirms the City of Pocatello as a welcoming and inclusive city and censuring City Council member Roger Bray for comments made during the July 7, 2022 Budget Development meeting and after the July 21, 2022 City Council meeting.

Mayor Blad expressed his dismay over the racial comments and accusations made verbally and in writing by City Council members. He reiterated that Pocatello is and will continue to be a welcoming community.

Mr. Mansfield's motion was voted upon at this time. Upon roll call, those voting in favor were Mansfield, Cheatum, and Leeuwrik. Ortega and Stevens refused to vote on the motion as made by Mr. Mansfield. Ortega and Stevens each stated their vote was in favor of the of the reaffirmation of the welcoming resolution and in opposition to the censure. The motion passed.

AGENDA ITEM NO. 12: An ordinance rezoning approximately 3.05 acres of land located south of High Terrace Division 1 and east of Tuscany Hills Subdivision 1st Addition from zoning designation Residential Estate (RE) to Residential Low Density (RL).
ORDINANCE
REZONING 3.05 ACRES
SOUTH OF HIGH
TERRACE DIVISION 1

A motion was made by Mr. Cheatum, seconded by Mr. Mansfield, that the ordinance, Agenda Item No. 12, be read only by title and placed on final passage for publication, and that only the ordinance summary sheet be submitted for publication. Upon roll call, those voting in favor were Cheatum, Mansfield, Leeuwrik, Ortega and Stevens.

Jared Johnson, City Attorney, read the ordinance by title.

Mayor Blad declared the final reading of the ordinance rezoning approximately 3.05 acres of land located south of High Terrace Subdivision 1 and east of Tuscany Hills Subdivision 1st Addition from zoning designation Residential Estate (RE) to Residential Low Density (RL). Mayor Blad asked, "Shall the ordinance pass?" Upon roll call, those voting in favor were Cheatum, Leeuwrik, Mansfield, Ortega and Stevens. Mayor Blad declared the ordinance passed, that it be numbered 3104 and that the ordinance summary sheet be submitted to the Idaho State Journal for publication.

AGENDA ITEM NO. 13: Akilah Lacey, Pocatello resident, related his history in becoming a part of the Pocatello community and becoming a Pocatello Police Officer. He emphasized his commitment to keep the city free from over-policing of minorities He closed by stating his pride in who he represents and the city of Pocatello.
ITEMS FROM THE
AUDIENCE

Mayor Blad stated that this time is set aside to address items not on the agenda.

Ali Khan, Pocatello resident, referenced the low population growth rate of Pocatello compared to surrounding cities and his many friends and fellow graduates of Idaho State University who have left the city. He then stated his intent to read some passages from an article written by Mr. Bray published in the Idaho State Journal.

In response to a comment by Mrs. Ortega, Mayor Blad clarified that the journal article was not included in Agenda Item No. 11 and, therefore, was not listed on the agenda. Mr. Khan's comments were allowed.

Mrs. Ortega left the meeting at 7:47 p.m.

Mr. Khan expressed concern that some of the Council members did not want to hear what he had to say, then read quotes from an Idaho State Journal article written by Roger Bray. Mr. Khan voiced his agreeance with the Fire Union, Police Union, and Teacher's Union in calling for the resignation of Roger Bray.

AGENDA ITEM NO. 14: There being no further business, Mayor Blad adjourned the meeting at 7:49 p.m.
ADJOURN

APPROVED BY:



BRIAN C. BLAD, MAYOR

ATTESTED BY:



KONNI R. KENDELL, CITY CLERK

PREPARED BY:



SHAWNIE SATTEFIELD FERRIN, ADMINISTRATIVE ASSISTANT